

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

STEVEN E. HAMMER, individually and on)	
behalf of all others similarly situated,)	
)	
Plaintiff,)	
vs.)	No. 08-0339-CV-W-FJG
JP'S SOUTHWESTERN FOODS, L.L.C.)	
d/b/a JOSE PEPPER'S BORDER GRILL &)	
CANTINA; and DOES 1 through 10, inclusive,)	
)	
Defendants.)	

ORDER

Pending before the Court is the parties' Joint Motion to Stay Proceedings and Delay Class Notice Pending Settlement Discussions (Doc. No. 236). The parties indicate that they believe settlement negotiations would be productive prior to the issuance of class notice, and they believe that an additional thirty days would allow them to engage in such meaningful settlement discussions. For good cause shown, the parties' motion (Doc. No. 236) will be **GRANTED**. The Court revises the deadlines in the notice protocol (see Doc. No. 234) as follows:

- (1) Notice shall be published in the formats discussed in the Court's previous Order (Doc. No. 234) beginning no later than **March 9, 2011**.¹
- (2) Within ten (10) calendar days of the completion of publication in the Kansas City Star and The Daily Record (but no later than **April 13, 2011**), plaintiff's counsel shall file an affidavit with the Court to evidence the fact that the

¹The Court is aware of defendant's pending motion regarding posting of notice in its now-closed restaurant. See Doc. No. 235. The Court will consider those issues when that motion is fully ready to rule, and may amend this Order and its previous Orders accordingly.

notice was published.

- (3) Defendant's counsel shall file an affidavit with the Court on or before **May 11, 2011**, evidencing the fact that notice was posted in a conspicuous location in its restaurant for 60 days. The affidavit must specify the location where notice was posted.
- (4) The deadline for requests for exclusions pursuant to Federal Rule of Civil Procedure 23(c)(2) as set out in the Notice shall be **May 20, 2011**.
- (5) Plaintiff's counsel shall file an affidavit with the Court which shall provide a list of all persons from whom exclusion requests have been received, identified by name and address, by **May 27, 2011**.

Furthermore, the parties are **ORDERED** to provide a status report to the Court on or before **Monday, February 28, 2011**, detailing the status of settlement discussions and informing the Court if further extensions of the class notice deadlines are warranted.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.
Chief United States District Judge

Dated: January 28, 2011
Kansas City, Missouri